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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,985	09/30/2003	Richard Louis Arndt	AUS920030601US1	4994

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IBM CORP (YA)  
C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER
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CHRISTENSEN, SCOTT B

ART UNIT	PAPER NUMBER
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2444

NOTIFICATION DATE	DELIVERY MODE
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04/16/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,985	<b>Applicant(s)</b> ARNDT ET AL.	
	<b>Examiner</b> Scott Christensen	<b>Art Unit</b> 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,8,10-12,17,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,10-12,17,18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in regards to the most recent papers filed on 3/24/2009.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 7-8, 10-12, 17-18, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. With regard to claim 1, the instant claim makes references to "at least a first one of the plurality of resources," "at least a second one of the plurality of resources," "third ones of the plurality of resources," "fourth ones of the plurality of resources," and "fourth ones of the plurality of partitions." It appears that the "fourth ones of the plurality of partitions" should refer to the "fourth ones of the plurality of resources." Further, the word "a" is utilized with each recitation of "at least a first one of the plurality of resources," making it unclear if the same first one or different first ones are being referred to. It is noted that this use of the term "a" is used throughout the dependent claims as well. Applicant should review each of the instant claims to ensure that the terminology utilized clearly distinguishes between each element that is different, and clearly correlates each element that is similar. Claims 2, 7-8, 10-12, 17-18, and 20 are rejected for substantially similar reasons.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 7-8, 10-12, 17-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0212884 to Lee et al., hereafter referred to as “Lee.”

7. With regard to claim 1, Lee discloses a method of logically partitioning a plurality of resources that are included in a single hardware channel adapter for use in a system area network, wherein said single hardware channel adapter is shared by different partitions, and wherein at least a first one of the plurality of resources is assigned to a first partition and at least a second one of the plurality of resources is assigned to a second, different partition, comprising:

storing, by a hypervisor, a first partition identifier that identifies the first partition in a first hardware register that is included within the at least a first one of the plurality of resources, wherein the at least one of the plurality of resources is assigned to the first partition (Lee: Paragraph [0036] and [0056]. The hypervisor creates the partition.); and

enforcing, by the hardware channel adapter, partitioning of the plurality of resources by allowing only third ones of the plurality of resources that have the first partition identifier stored in a hardware register that is included with the third ones of the

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plurality of resources to access the at least a first one of the plurality of resources (Lee: Paragraphs [0036] and [0023]. There is no requirement as to how only the third ones of the resources are allowed access, or how the partition identifier is utilized to determine if the resources should have access. In fact, there is no requirement that the identifier is even used for the determination. As currently presented, the identifier simply has to "agree" with the access given, which means that the identifier may simply be a mirror or backup identifier, where it is never actually used to make a determination as to whether access should be allowed or not. Further, in Lee, the operating system executing within the system may only access those I/O units that are in its logical partition.), wherein fourth ones of the plurality of resources that do not have the first partition identifier stored in a hardware register that is included within the fourth ones of the plurality of partitions cannot access the first plurality of resources (Lee: Paragraph [0023]. Resources that are not part of the same partition have no access to the partition that the resources are not assigned to.), and wherein the fourth ones of the plurality of resources include the at least a second one of the plurality of resources (Lee: Paragraph [0023]. There is no requirement as to what constitutes the second one of the plurality of resources, besides that the second one of the plurality of resources are assigned to a different partition.).

8. With regard to claim 2, Lee discloses:

attempting, by a fifth one of the plurality of resources, to access the at least a first one of the plurality of resources (Lee: Paragraph [0023]. Lee allows for many resources, at least one of which would be a fifth one.);

comparing, by the hardware channel adapter, a second partition identifier that is included in the fifth one of the plurality of resources to the first partition identifier (Lee: Paragraphs [0023] and [0056]. The ID, which is stored in the processor, identifies which partition the processor belongs to. If the processor does not belong to a partition, it is denied access. Otherwise, it is granted access.);

allowing, by the hardware channel adapter, the fifth one of the plurality of resources to access the at least a first one of the plurality of resources responsive to the second partition identifier matching the first partition identifier (Lee: Paragraph [0023]);

ignoring, by the hardware channel adapter, the attempt by the fifth one of the plurality of resources to access the at least first one of the plurality of resources responsive to the second partition identifier not matching the first partition identifier, wherein the fifth one of the plurality of resources cannot access the at least a first one of the plurality of resources, and wherein the fifth one of the plurality of resources is assigned to the second partition (Lee: Paragraph [0023]. If the processor is part of a different partition, access is not granted.).

9. With regard to claim 7, Lee discloses the steps of:

requesting, by an operating system, a particular one of said resources of a particular type (Lee: Paragraph [0055]. The requests are made by operating systems.

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Further, the structure of the request is not recited. Further, the operating systems access the resources of the partitions. It is noted that the structure of the request is not recited. Further, there is no requirement that the request includes a particular type. Rather, the request is for a resource, and the resource has a “particular type.” Applicant should amend this language to clearly reflect the structure of the request.);

responsive to the request, selecting by the hypervisor, a particular one of said plurality of resources that is said particular type (Lee: Paragraph [0055]. The resource that is requested by the processor is selected. Thus, the selected resource is of the particular type of the requested resource.);

responsive to the selection, determining a particular one of the partitions to which the operating system is assigned (Lee: Paragraph [0055]);

responsive to the determination, storing, by the hypervisor, a particular partition identifier that identifies said particular one of the partitions in a hardware register within said particular one of the plurality of resources (Lee: Paragraph [0055])

10. With regard to claim 8, Lee discloses permitting only said hypervisor to alter contents of said hardware register (Lee: Paragraph [0055])

11. With regard to claim 10, Lee discloses enforcing said partitioning using hardware within said hardware channel adapter (Lee: Figure 1. At least one piece of hardware is used in the enforcement.).

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12. With regard to claim 11-12, 17, 18, and 20, the instant claims are substantially similar to the invention claimed in claims 1-2, 7-8, and 10, except that claims 11-12, 17-18, and 20 are directed towards a system rather than a method. Lee discloses a system that performs the functionality of claims 1-2, 7-8, and 10 (Lee: Figure 1).

Otherwise, claims 11-12, 17-18, and 20 are rejected for substantially similar reasons as those presented with regard to claims 1-2, 7-8, and 10.



***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444